

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

GERALD GOODALE,)
Petitioner,)
v.) Civil No. 09-130-B-W
STATE OF MAINE,)
Respondent.)

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on April 6, 2009 her Recommended Decision. The Plaintiff filed his objections to the Recommended Decision on April 15, 2009. I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.
2. It is further ORDERED that the Petitioner's 28 U.S.C. § 2254 Petition (Docket # 1) be and hereby is DISMISSED because the Petitioner has not procured the requisite authorization from the First Circuit Court of Appeals to proceed with a second 28 U.S.C. § 2254 petition and he is not relying on a case or cases made retroactive by the United States Supreme Court.
3. It is further ORDERED that no certificate of appealability should issue in the event the Petitioner files a notice of appeal because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. § 2253(c)(2).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 16th day of April, 2009